

07-115-TC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

THOMAS RAY,

Civ. No. 07-115-TC

Petitioner,

ORDER

v.

HARDY MEYERS,

Respondent.

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Aiken, Judge:


Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned action on December 3, 2007. Magistrate Judge Coffin recommends that the petition for habeas corpus relief under 28 U.S.C. § 2254 be denied and the case dismissed, because petitioner failed to exhaust his state remedies. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's

report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Plaintiff filed objections to the Findings and Recommendation. Upon review of Magistrate Coffin's findings and recommendation, I find no error.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 28) filed December 3, 2007 is ADOPTED. The amended petition for writ of habeas corpus (doc. 27) is DENIED without prejudice and this case is DISMISSED. IT IS SO ORDERED.

Dated this 11 day of January, 2008.

  
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Ann Aiken  
United States District Judge